

By Mr. O'BRIEN of Illinois:
H. R. 4557. A bill for the relief of John Carroll; to the Committee on Military Affairs.

By Mr. PETERSON of Florida:
H. R. 4558. A bill for the relief of Mark D. Williams; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5404. By Mr. CARTER: Petition of the United Auto Workers Local, Oakland, Calif., approving Alameda County Congress of Industrial Organizations council's resolution urging that broadcast of the proceedings of Congress be arranged for; to the Committee on Rules.

5405. Also, resolution adopted by the board of supervisors of Contra Costa County, Calif., recommending that necessary legislation be provided for a post-war airport program at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

5406. Also, petition of Mrs. W. Nicolson, of Alameda County, Calif., signed by herself and 117 other citizens, urging the enactment of legislation excluding all members of the Japanese race from further residence in the State of California; to the Committee on the Judiciary.

5407. Also, petition of the Alameda County Congress of Industrial Organizations council Union, Oakland, Calif., urging a readjustment of the national wage policy; to the Committee on Labor.

5408. Also, petition of the Alameda County Congress of Industrial Organizations council, Ruby Heide, secretary, urging enactment of the Scanlon Resolution No. 198 establishing a wage board for Government service; to the Committee on the Civil Service.

5409. By Mr. GRAHAM: Petition of the Mechanicsburg Wesleyan Methodist Church and their friends in the community, representing approximately 100 persons, urging the passage of House bill 2082, making unlawful the manufacture, sale, or transportation within the United States of alcoholic beverages for the duration of the war and until the termination of demobilization; to the Committee on the Judiciary.

5410. By Mr. HANCOCK: Petition of Mr. and Mrs. Evert Burlingame and 129 other residents of Cortland County, N. Y., favoring House bill 2082; to the Committee on the Judiciary.

5411. By Mr. LUTHER A. JOHNSON: Petition of J. E. McComb, Mrs. M. G. Knight, and Mrs. Worrell Wilson, of Seattle, Wash., and Mary Cramer, of San Rafael, Calif., favoring House Joint Resolution 244; to the Committee on Foreign Affairs.

5412. By Mr. SCHIFFLER: Petition of Hupp E. Otto, president, Wheeling Typographical Union, No. 79, Wheeling, W. Va., urging the passage of House bill 4000 as an aid to the manufacture of newsprint; to the Committee on Military Affairs.

5413. By Mr. STEFAN: Petition of Gottfried J. Anderson and 27 other citizens of Oakland, Nebr., urging passage of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

5414. By Mr. WELCH: Resolution No. 3891, adopted by the San Francisco Board of Supervisors on March 20, 1944, memorializing the Congress of the United States and urging that a further appropriation be immediately made available to provide for the continuance of the child-care center project; to the Committee on Appropriations.

5415. By the SPEAKER: Petition of the National Society Daughters of the Union, 1861-65, Inc., Lebanon, Ind., petitioning consideration of their resolution with reference to immigration of returning veterans of the present war; to the Committee on Immigration and Naturalization.

SENATE

WEDNESDAY, APRIL 12, 1944

The Reverend Oscar Thomas Olson, D. D., minister, Epworth-Euclid Methodist Church, Cleveland, Ohio, offered the following prayer:

Eternal God, our Father, Thou art the source of all true peace and joy; grant unto us insight and understanding, so that no selfish purpose shall thwart Thy will. In Thy will is our peace. In Thy service is perfect freedom. Develop within us an inner genuineness that we may persistently seek those realities that are permanent, seeing the truth steadily and following the light faithfully. We are thankful to Thee, God, our Father, for the many blessings that Thou hast given our country. Defend our liberties; preserve our unity. Endue with Thy grace the President of the United States. Grant true wisdom to those selected to govern the Nation, and to all who share in authority and responsibility. God of infinite love, we commend to Thy keeping all those who are venturing their lives in the service of those freedoms that lend worth and dignity to our human adventure. Look with loving kindness, O Lord, upon our distracted and distressed world. Forgive the mistaken ambitions and the presumptuous claims of men. Lead us in Thy paths of righteousness that Thy will may be done and Thy kingdom come. Through Jesus Christ, our Lord. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND NOTATION OF POCKET VETO

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On April 1, 1944:

S. 662. An act to authorize pensions for certain physically or mentally helpless children, and for other purposes.

On April 5, 1944:

S. 1243. An act authorizing the construction and operation of demonstration plants to produce synthetic liquid fuels from coal, oil shales, agricultural and forestry products, and other substances, in order to aid the prosecution of the war, to conserve and increase the oil resources of the Nation, and for other purposes.

The message also announced the pocket veto on April 11, 1944, of the bill (S. 555) for the relief of Almos W. Glasgow.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

PERSONNEL OF THE LAND FORCES

A confidential letter from the Secretary of War, reporting, pursuant to law, relative to the personnel of the land forces on February 29, 1944, under a provision of the Selective Training and Service Act of 1940; to the Committee on Military Affairs.

REPORT OF THE DEPARTMENT OF JUSTICE

A letter from the Attorney General, transmitting, pursuant to law, the annual report of the Department of Justice for the fiscal

year ended June 30, 1943 (with an accompanying report); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Attorney General, transmitting, pursuant to law, a report stating all of the facts and pertinent provisions of law in the cases of 149 individuals whose deportation has been suspended for more than 6 months under the authority vested in the Attorney General, together with a statement of the reason for such suspension (with accompanying papers); to the Committee on Immigration.

SUITS IN ADMIRALTY AGAINST THE UNITED STATES

A letter from the Attorney General, submitting, pursuant to law, a list of suits arising under the act of March 9, 1920 (41 Stat. 525), authorizing suits against the United States in admiralty involving merchant vessels, in which final decrees were entered against the United States, exclusive of cases on appeal; to the Committee on the Judiciary.

SUITS UNDER THE PUBLIC VESSEL ACT

A letter from the Attorney General, submitting a list of suits arising under the Public Vessel Act of March 3, 1925 (43 Stat. 1112), in which final decrees were entered, exclusive of cases on appeal; to the Committee on the Judiciary.

CLAUDE R. WHITLOCK

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation for the relief of Claude R. Whitlock and for other purposes (with an accompanying paper); to the Committee on Indian Affairs.

PAYMENT OF ATTORNEYS' FEES FROM OSAGE FUNDS

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to provide for the payment of attorneys' fees from Osage tribal funds (with an accompanying paper); to the Committee on Indian Affairs.

LEGISLATION PASSED BY LEGISLATIVE ASSEMBLY AND MUNICIPAL COUNCILS, VIRGIN ISLANDS

Letters from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of legislation passed by the Legislative Assembly of the Virgin Islands and the Municipal Councils of St. Croix and St. Thomas and St. John, V. I. (with accompanying papers); to the Committee on Territories and Insular Affairs.

SALE OF PERISHABLE FARM COMMODITIES

A letter from the War Food Administrator, transmitting a draft of proposed legislation to authorize the sale of perishable farm commodities below the parity or comparable price, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

UNITED STATES WAR BALLOT COMMISSION

A letter from the executive officer of the United States War Ballot Commission, informing the Senate of the organization of the United States War Ballot Commission in Washington, D. C., under the provisions of law (with an accompanying paper); to the Committee on Privileges and Elections.

PERSONNEL REQUIREMENTS

Letters from the Secretary of State, the Attorney General, the Acting Secretary of the Treasury, the Assistant Secretary of the Navy (confidential), the Secretary of Labor, the Comptroller General of the United States, Chairman of the United States Tariff Commission, Acting Chairman of the National Labor Relations Board, the Administrator of the Federal Works Agency, the Director, Division of Administrative Management, National War Labor Board, the Administrator of the

National Housing Agency, the Chairman and Administrator of the War Shipping Administration and United States Maritime Commission, the Chairman of the War Production Board, the Archivist of the United States, the Director of the Selective Service System, the Third Vice President, Panama Railroad Co., the Acting Director, Bureau of the Budget, the Director, Committee for Congested Production Areas, the Administrative Office of the President's Committee on Fair Employment Practice, the Coordinator of Inter-American Affairs, the Director, Office of Economic Stabilization, the Director, Office of War Mobilization, the Director, the Office of Censorship, and the Administrative Assistant to the Secretary of Commerce (revised estimate), transmitting, pursuant to law, estimates of personnel requirements for their respective offices, etc., for the fourth quarter of the fiscal year 1944 (with accompanying papers); to the Committee on Civil Service.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of the Departments of the Treasury and Agriculture (4), Federal Security Agency, Federal Works Agency (2), and War Production Board which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of New York; to the Committee on the Judiciary:

"STATE OF NEW YORK, IN ASSEMBLY,

"Albany, March 16, 1944.

"Whereas the Bill of Rights, which guarantees our fundamental freedoms of speech, press, worship, and peaceful assembly, is an immortal monument of human liberties serving as a guiding light to the people of all nations of the world; and

"Whereas the present world crisis demands that this Nation again declare its faith in those assurances, and its determination to cherish and defend them before its own people and all men in these United States; and

"Whereas on the occasion of each anniversary of the ratification of the Bill of Rights, American citizens should refresh their memory and reabsorb the deep meaning of the Bill of Rights, so that, knowing well its full significance, they can act concertedly and with determination to better uphold the principles upon which it is based and defend it from being ravaged or distorted; and

"Whereas it is desirable and fitting that Bill of Rights Day be designated as a day to be observed by appropriate patriotic ceremonies in schools, colleges, and other educational institutions and by patriotic organizations throughout our land to the end that the people of our country may more highly prize their precious and privileged enjoyment of their inalienable rights: Now, therefore, be it

"Resolved (if the senate concur), That the Congress of the United States be, and hereby are, respectfully memorialized to take appropriate action for the observance of Bill of Rights Day throughout the United States of America; and be it further

"Resolved (if the senate concur), That a copy of this resolution be transmitted to the Secretary of the Senate of the United States,

the Clerk of the House of Representatives of the United States and to each Member of Congress and each United States Senator elected from the State of New York.

"By order of the assembly,

"ANSLEY B. BORKOWSKI,

"Clerk."

"In senate, March 16, 1944, concurred in without amendment.

"By order of the senate,

"WILLIAM S. KING,

"Clerk."

A concurrent resolution of the General Court of New Hampshire; to the Committee on Finance:

"Concurrent resolution memorializing the Federal Hospitalization Board of the United States Veterans' Administration

"Whereas there are a large number of war veterans residents of this State who are in need of hospital care and treatment; and

"Whereas there is a lack of sufficient facilities in the Veterans' Administration hospitals in the New England area to care for these men, many of whom need immediate hospitalization; and

"Whereas it is the established policy of the Federal Government to furnish hospital care and treatment to needy war veterans; and

"Whereas there are only three States in the Union, of which New Hampshire is one, that do not have within their borders a veterans hospital: Therefore be it

"Resolved by the house of representatives in general court convened and the senate concurring, That every effort be made by the Federal Government to assign a veterans hospital to the State of New Hampshire; and be it further

"Resolved, That copies of this resolution be transmitted at once to the President of the United States, to the Congress of the United States, to the Director General of the Veterans' Administration, to Senator STYLES BRIDGES, to Senator CHARLES W. TOBEY, and Congressmen FOSTER STEARNS and CHESTER E. MERROW."

A concurrent resolution of the General Court of New Hampshire; to the Committee on Military Affairs:

"Concurrent resolution memorializing the Commissioner of National Cemeteries, Washington

"Whereas the National Government has recently purchased additional acreage at Arlington National Cemetery at Washington and suggested the establishment of national cemeteries in the various States; and

"Whereas the creation of a national cemetery in New Hampshire would be of great comfort to the families of our brave sons and daughters who have laid down their lives for their country; and

"Whereas immediate action should be taken on this highly important matter: Therefore be it

"Resolved by the house of representatives in general court convened and the senate concurring, That every effort be made by the Federal Government to assign a national cemetery to the State of New Hampshire; and be it further

"Resolved, That copies of this resolution be transmitted at once to the President of the United States, to the Congress of the United States, to the Commissioner of National Cemeteries, to Senator STYLES BRIDGES, to Senator CHARLES W. TOBEY, and Congressmen CHESTER E. MERROW and FOSTER STEARNS."

Resolutions, petitions, etc., by the board of directors of the Washington Federation of Churches; the Washington Council of Church Women; the Baptist Ministers' Conference of Washington, D. C., and vicinity; the Association of Oldest Inhabitants (colored), Inc.; United Federal Workers of America, Local No. 10; the Department of Civil Liberties, I. B. P. O. E.; the Stanton

Park Community League; and the Southeast Neighborhood Council of the Council of Social Agencies, all in the District of Columbia, relating to the chairmanship of the Committee on the District of Columbia of the Senate; to the Committee on the District of Columbia.

A resolution by the War and Post-War Conference, Painting and Decorating Contractors of America, at St. Louis, Mo., relating to the development of apprenticeship training through the Apprentice Training Service of the War Manpower Commission; to the Committee on Education and Labor.

A resolution adopted by the War and Post-War Conference, Painting and Decorating Contractors of America, at St. Louis, Mo., favoring the enactment of legislation to simplify income-tax forms; to the Committee on Finance.

A resolution adopted by the War and Post-War Conference, Painting and Decorating Contractors of America, of St. Louis, Mo., protesting against the enactment of national war service legislation; to the Committee on Military Affairs.

A resolution by the municipal assembly of Arecibo, P. R., extending a vote of confidence, thanks, sympathy, and support to the Governor of Puerto Rico, Hon. Rexford Guy Tugwell; to the Committee on Territories and Insular Affairs.

By Mr. NYE:

A concurrent resolution of the Legislature of North Dakota; to the Committee on Agriculture and Forestry:

"House Concurrent Resolution 5

"Concurrent resolution memorializing Congress to make provision enabling persons serving in the armed forces of the United States or who have served therein and who have been honorably discharged, to establish and rehabilitate themselves in the post-war era, under a farm home ownership plan and to provide adequate Federal funds to be loaned to such persons, as provided in the Bankhead-Jones Act and as administered by the Farm Security Administration

"Whereas it is highly important to make provision enabling persons serving in the armed forces of the United States, or who have served therein and who have been honorably discharged, to establish ownership of farm homes for themselves and their families after the termination of the present war, and that it is necessary that adequate provisions be made by the Federal Government by appropriating sufficient funds to be loaned to such persons desiring to take advantage of same, such provisions to be made under the terms of the Bankhead-Jones Act as administered by the Farm Security Administration; and

"Whereas experience has demonstrated that loans made in the past under said act have been highly satisfactory to the borrowers and to the loaning agency of the Federal Government and has afforded the greatest measure of security for continued home ownership as compared with any program of similar nature yet devised: Now, therefore, be it

"Resolved by the house of representatives of the 1944 extraordinary session of the legislative assembly (the senate concurring), That the Congress of the United States is hereby respectfully urged to make an appropriation of Federal funds sufficient to provide loans to be made to persons serving in the armed forces of the United States, or who have served therein and been honorably discharged, and who desire to rehabilitate themselves and establish farm home ownership under the provisions of the Bankhead-Jones Act as administered by the Farm Security Administration; and be it further

"Resolved, That copies of this resolution be sent to the President of the United States, to the Secretary of the Senate of the United

States, to the Chief Clerk of the House of Representatives of the United States, to the Secretary of Agriculture, to the United States Senator COOLEY, and to each of the Senators and Representatives from the State of North Dakota."

Three concurrent resolutions of the Legislature of North Dakota; to the Committee on Military Affairs:

"House Concurrent Resolution 2

"Concurrent resolution regarding additional quota allotment specifically designated for returning soldiers, sailors, and marines

"Whereas considerable difficulty is being encountered by persons discharged from the armed forces who wish to engage in agriculture and other callings, because of the shortage of farm implements and other critical materials; and

"Whereas it is the sense of this legislative assembly that first priority should be granted to such men and women who are returning to civilian life to reestablish themselves: Therefore, be it

Resolved by the House of Representatives in the State of North Dakota (the Senate concurring), That the situation of these returning service men and women be by means of this resolution, drawn specifically to the attention of the Congress of the United States for appropriate legislation, if such action is necessary, or by specific regulation if the end sought can be accomplished in that way to provide a special quota in addition to quotas already established so as to permit such individuals to be given priority in obtaining their needed supplies and equipment."

"House Resolution 3

"Whereas there prevails in North Dakota a critical shortage of farm machinery; and

"Whereas if maximum production of agricultural produce is to be achieved by this great agricultural area; and

"Whereas it is absolutely necessary that a great number of tractors, combines, harvesting equipment and other farm machinery be allotted to this area to complete the planting, harvesting, and threshing of the 1944 crop; and

"Whereas power equipment is more vitally needed than ever before by reason of the critical manpower shortage; and

"Whereas a quota system of allotting machinery is based on past sales, and in western North Dakota this has resulted in a greatly aggravated condition by reason of the small purchases during the drought years: Therefore be it

Resolved, That the President and the Congress of the United States exert every influence to provide for this vitally necessary equipment in this most critical period in this Nation's history, and that close examination be made into the shipment of such farm equipment as is required in North Dakota which is now being made to foreign countries and, in many instances, have demonstrated that they do not require full use of them or desire them."

"House Concurrent Resolution 6

"Concurrent resolution memorializing Congress and the President to take immediate steps for securing necessary tires for the use of farmers

"Whereas due to the present war emergency there is a great shortage of automobile tires in this country; and

"Whereas it has been particularly called to the attention of this twenty-eighth legislative assembly in extraordinary session assembled that the farmers of North Dakota are in dire need of automobile, tractor, and truck tires of a quality adequate for the conduct of farm operations involving travel

over long distances on rough roads and hauling heavy loads of produce; and

"Whereas the tires now on the market in North Dakota seem largely to be grade III, as classified by the Office of Price Administration, which are not adequate for use for the aforementioned purposes, causing breakdowns resulting in loss of time from the production of food, endangering life through falling on the road during our severe winter temperatures; and

"Whereas because of the great distances to be traveled in the State of North Dakota where there is no other mode of travel than by auto and truck, it is absolutely necessary and essential that Congress and the President of the United States take immediate steps to provide the necessary tires of grade I quality for the farmers of the State of North Dakota: Now, therefore, be it

Resolved by the house of representatives (the senate concurring therein), That the Congress of the United States and the President take steps forthwith to see that the farmers of the State of North Dakota are provided with tires of adequate quality to permit full production of food for victory; be it further

Resolved, That it is not the intent of this resolution to criticize the work of the War Production and Rationing Boards, whose members are, in our opinion, fairly and conscientiously discharging their duties; be it further

Resolved, That copies of this resolution be sent to the President of the United States and to all of the United States Senators and Representatives of the State of North Dakota at Washington, D. C."

By Mr. THOMAS of Utah:

A joint resolution of the Legislature of Utah; to the Committee on Education and Labor:

"Senate Joint Resolution 2

"Joint resolution memorializing Congress respecting the policy of the State of Utah relating to the completion and post-war operation of the Geneva steel plant

"Whereas the Federal Government, by and through the Defense Plant Corporation, has commenced the construction of the Geneva steel plant within the State of Utah for the purpose of fabricating steel and steel products as a part of the national war program effort; and

"Whereas the completion of said plant, including the plate mill and the structural mill, is deemed to be necessary to supply the western needs for steel during the war period; and

"Whereas it is essential to the continued well-being of the State of Utah and the people residing therein that the operation of the Geneva plant, together with all of its facilities, be continued in the post-war era wherever such operation can be carried on successfully on a competitive basis; and

"Whereas it is necessary to make an early determination of the post-war policy relating to the sale or lease to private industry of the aforesaid plant in order that the post-war management may be carried on to meet the competitive market, including, if necessary, redetermination of railroad rates for steel products on the basis of competition with eastern plants using an all-water route: Now, therefore, be it

Resolved by the senate and the house of representatives in session assembled (the Governor concurring therein), That it is the policy of the State of Utah that the Geneva steel plant be completed so as to utilize during the present conflict all of its potential facilities furthering war-production effort; be it further

Resolved, That it is the policy of this State that said plant, together with all its facilities, be utilized and maintained during the

post-war era, that to this end the Defense Plant Corporation immediately prepare engineering plans for conversion of the facilities to peacetime production, and that the Congress of the United States enact such legislation as may be necessary to carry into effect the aforesaid policy; be it further

Resolved, That the secretary of state forward copies of this memorial to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the United States Senators and Representatives from the State of Utah."

(The VICE PRESIDENT laid before the Senate a resolution identical with the foregoing, which was referred to the Committee on Education and Labor.)

A joint resolution of the Legislature of Utah; to the Committee on Mines and Mining:

"Senate Joint Resolution 1

"Joint resolution requesting Congress to construct a suitable plant for the processing of coal and oil shales within the State of Utah

"Whereas it has come to the attention of the Utah State Legislature that in all probability the Congress of the United States will make an appropriation in a considerable amount for the purpose of establishing under the Bureau of Mines of the Interior Department, a program through which an intensive study will be made of methods for the processing of bituminous coal and oil shales in the United States; and

"Whereas, within the boundaries of the State of Utah, some of the largest deposits of bituminous coal and oil shales exist; and

"Whereas it has already been proven that the Utah coals are extremely valuable from the standpoint of their content in oil, resin, and other byproducts and the oil shales of Utah have been proven to contain tremendous quantities of a very high-grade oil: Now, therefore, be it

Resolved by the Utah State Legislature in special session assembled, That we petition as follows:

"1. That the Congress of the United States makes available a sum of money for the purpose of making a study of the processing of coals and oil shales.

"2. That if such appropriation is made available that the Bureau of Mines of the Interior Department be authorized to administer such funds.

"3. That if and when said funds are made available that the Bureau of Mines establish within the State of Utah, preferably in the area where the deposits exist, one of the plants or installations, through which such study will be made.

"4. That a copy of this resolution be directed to the President of the United States, the Secretary of the Interior, the Director of the Bureau of Mines of the Department of the Interior and to the Utah congressional delegation, with the request that they use their good offices to meet the end herein petitioned for."

A joint resolution of the Legislature of Utah; ordered to lie on the table.

"House Joint Memorial 1

"Joint resolution of the Senate and House of Representatives of the Utah State Legislature endorsing the principles and purposes of United States S. B. 1767, relating to benefits and protection for veterans of World War No. 2

"Whereas there is now pending in the Congress of the United States S. B. 1767, sponsored by the American Legion, providing legislation for the benefit and protection of veterans of World War No. 2; and

"Whereas S. B. 1767 is necessary and essential for the protection of the rights of

veterans of World War No. 2: Now, therefore, be it

"Resolved, That the Legislature of the State of Utah in special session assembled, endorse the principles and purposes of S. B. 1767 and recommends them to the earnest consideration of our representatives in the National Congress; be it further

"Resolved, That copies of this memorial be forwarded to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the Congress of the United States, to the Senators and Congressmen representing the State of Utah in the Congress of the United States, and to the chairman of the veterans' subcommittee of the Senate Finance Committee of the Congress of the United States."

(The VICE PRESIDENT laid before the Senate a resolution identical with the foregoing, which was ordered to lie on the table.)

GOVERNMENT HEALTH PROGRAM—RESOLUTION BY OMAHA (NEBR.) ACCIDENT AND HEALTH UNDERWRITERS

Mr. BUTLER. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred a resolution adopted by the Omaha (Nebr.) Accident and Health Underwriters.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the Wagner-Murray-Dingell bill now pending in the United States Congress relative to the amendment of the Social Security Act is objectionable and, if enacted, would be detrimental to the welfare of the general public for the reasons that:

1. It would be a death blow at voluntary private disability insurance and voluntary co-operative hospital and medical service plans, would substitute therefor a compulsory, monopolistic Government system of insurance, hospital, and medical services.

2. It would centralize the control of all public employment offices, of all existing unemployment compensation programs, of all health and hospital supervision, and of all health and accident insurance in Washington.

3. It would lend to Federal control of doctors and hospitals, to the consequent lowering of medical standards, and to the decline of medical research by removing one of the most powerful incentives therefor.

4. It would create a gigantic and unwieldy Government monopoly and would destroy voluntary hospital service plans; voluntary medical service plans, fraternal benefit plans, cooperative labor union and mutual benefit employee plans, and competitive health and accident insurance.

5. It ignores and would destroy individual initiative, private enterprise, and freedom of opportunity, the factors that have contributed much to the genius and greatness of America.

6. It would increase the taxes of individuals and of employers to an unbearable amount: Therefore be it

Resolved by the Omaha Accident and Health Underwriters in session assembled at Omaha, Nebr., That we hereby express our unqualified and unalterable opposition to said bill or to any other bill that would lead to the objectionable results enumerated above, and that we forward copy of this resolution to each Member of the Senate and Congress from the State of Nebraska.

RESOLUTIONS OF IOLA (KANS.) CHAMBER OF COMMERCE

Mr. CAPPER. Mr. President, I present and ask to have printed in the RECORD and appropriately referred, two resolutions adopted by the Iola (Kans.)

Chamber of Commerce. One resolution would amend the income-tax laws so that railroads can set aside maintenance funds in a reserve where because of the labor and materials situation it is impossible to use the funds at this time. The other resolution favors allowing the railroads to engage in the air-transport field.

The VICE PRESIDENT. The resolutions will be received and appropriately referred.

To the Committee on Finance:

Whereas due to the emergency created by the war, the railroads of the United States have had a greater passenger and freight traffic than ever before and the railroad facilities have been used to the limit in meeting the military and civilian needs; and

Whereas the railroads along with other industries have encountered labor shortages and shortage of materials needed for maintenance of railroad facilities for the payment of which maintenance expenses reserves have been set up from current earnings; and

Whereas such reserves are now subjected to the excess profits tax provisions of the Federal income-tax law contrary to the true spirit and intent of that law when enacted and working an injustice to the railroads in their efforts to provide ample reserves for the payment of needed maintenance of their facilities as soon as same can be done: Now, therefore, be it

Resolved, by the Chamber of Commerce of the City of Iola, Kans., That the chamber does hereby go on record in favor of the immediate enactment of legislation by Congress changing the provision of the excess-profits-tax law to exclude reserves set up out of current earnings by railroads to provide for funds for the payment of maintenance on their facilities, which funds the railroads have been unable to use for that purpose immediately on account of the existing war conditions; be it further

Resolved, That T. E. Shanahan as secretary of the Chamber of Commerce of the city of Iola, Kans., is hereby directed to forthwith mail a copy of this resolution to each of the members of the Kansas delegation in Congress.

To the Committee on Interstate Commerce:

Be it resolved by the Chamber of Commerce of the City of Iola, Kans., That the chamber does hereby go on record as favoring legislation permitting the railroads of the United States to organize and operate air transport lines for the handling of freight and passenger traffic to the same extent that other businesses and corporations who can qualify are now permitted to do; be it further

Resolved, That the chamber does hereby disapprove of the present policy of the constituted authorities and laws which have resulted in such discrimination and demand that such unfair and unjust discrimination be removed without delay; be it further

Resolved, That T. E. Shanahan, as secretary of the Chamber of Commerce of the City of Iola, is hereby directed to forthwith mail a copy of this resolution to each of the Members of the Kansas delegation in Congress.

REPORT OF COMMERCE COMMITTEE

Mr. BAILEY, from the Committee on Commerce, to which was referred the bill (H. R. 3028) to extend the time for completing the construction of a bridge across the Mississippi River at or near Sauk Rapids, Minn., reported it without amendment and submitted a report (No. 794) thereon.

EXECUTIVE REPORTS OF NAVAL AFFAIRS COMMITTEE

As in executive session,
Mr. WALSH of Massachusetts, from the Committee on Naval Affairs, reported favorably the following nominations:

Capt. Donald B. Duncan, United States Navy, to be a rear admiral in the Navy for temporary service, to rank from the 2d day of March 1943;

Capt. Thomas R. Kurtz, United States Navy, retired, to be a commodore in the Navy, on the retired list, for temporary service, while serving as Chief of Staff to Commander, Eastern Sea Frontier;

Capt. Burrell C. Allen, United States Navy, retired, to be a commodore in the Navy, on the retired list, for temporary service, while serving as Chief of Staff to Commander, Western Sea Frontier;

Capt. Marion C. Robertson, United States Navy, to be a commodore in the Navy, for temporary service, while serving as Chief of Staff to Commander, Hawaiian Sea Frontier;

Capt. Charlton E. Battle, Jr., United States Navy, to be a commodore in the Navy, for temporary service, while serving as Chief of Staff to Commander, Service Force, Atlantic Fleet;

Capt. John H. Magruder, Jr., United States Navy, to be a commodore in the Navy, for temporary service, while serving as Chief of Staff to Commander, Caribbean Sea Frontier;

Capt. Paul S. Theiss, United States Navy, to be a commodore in the Navy, for temporary service, while serving as Chief of Staff to Commander, Amphibious Forces, Pacific Fleet;

Capt. Homer W. Graf, United States Navy, to be a commodore in the Navy, for temporary service, while serving as Chief of Staff to Commander, Seventh Fleet;

Capt. Allen G. Quynn, United States Navy, to be a commodore in the Navy, for temporary service, while serving as Chief of Staff to Commander, Service Force, Pacific Fleet;

Capt. Clinton E. Braine, Jr., United States Navy, to be a commodore in the Navy, for temporary service, while serving as Chief of Staff to Commander, Fourth Fleet;

Capt. Howard A. Flanagan, United States Navy, retired, to be a commodore in the Navy, on the retired list, for temporary service, while serving as Deputy Chief of Staff to Commander, Twelfth Fleet;

Capt. George A. Seitz, United States Navy, to be a commodore in the Navy, for temporary service, while serving as Chief of Staff to Commander, Air Force, Atlantic Fleet;

Capt. Leonard Doughty, Jr., United States Navy, retired, to be a commodore in the Navy, on the retired list, for temporary service, while serving as Commander, Advanced Bases, Italy;

Commodore Bertram J. Rodgers, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 28th day of January 1943;

Capt. Theodore D. Ruddock, Jr., United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 29th day of September 1942;

Capt. Charles T. Joy, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 19th day of December 1942; and

Capt. Francis C. Denebrink, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 15th day of March 1943.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYDINGS:

S. 1830. A bill for the relief of David Stiefel; to the Committee on Claims.

By Mr. WILEY:

S. 1831. A bill to amend the Civil Service Retirement Act approved May 29, 1930, as amended, so as to exempt annuity payments under such act from taxation; to the Committee on Finance.

By Mr. GILLETTE:

S. 1832. A bill to amend the Act of March 4, 1915, as amended by the Act of May 29, 1934, with respect to the limitation on tours of duty in the Army of the United States in foreign service; and

S. 1833 (by request). A bill fixing the discharge status of members and former members of the Army Air Forces Enlisted Reserve Corps who have participated in the Civil Aeronautics Administration war-training-service program; to the Committee on Military Affairs.

By Mr. THOMAS of Utah (for Mr. REYNOLDS):

S. 1834. A bill to amend sections 4 and 5 of the act entitled "An act providing for sundry matters affecting the Military Establishment," approved June 5, 1942 (56 Stat. 314), with respect to the movement at Government expense of dependents and household effects of certain military personnel; to the Committee on Military Affairs.

By Mr. SHIPSTEAD:

S. 1835. A bill for the relief of Mary G. Brown and others; to the Committee on Indian Affairs.

By Mr. MAYBANK (for Mr. STEWART):

S. 1836. A bill to amend the Transportation Act of 1940 so as to extend for 4 years the life of the Board of Investigation and Research, established by section 301 of such act; to the Committee on Interstate Commerce.

By Mr. WALSH of Massachusetts:

S. 1837. A bill for the relief of Lt. (Jr. Gr.) Hugh A. Shiels, U. S. N. R.;

S. 1838. A bill to provide for reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of fires in quarters occupied by naval construction battalions;

S. 1839. A bill to provide for reimbursement of certain Navy personnel for personal property lost or damaged as the result of a fire in quarters at naval advance base depot, Fort Hueneme, Calif., on February 6, 1944;

S. 1840. A bill to provide for reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire in the bachelor officers' quarters, naval operating base, Argentina, Newfoundland, on January 12, 1943;

S. 1841. A bill to provide for the reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire which occurred on the naval station, Tutuila, American Samoa, on October 20, 1943;

S. 1842. A bill to reimburse certain Marine Corps personnel for personal property lost or damaged as the result of a fire at the marine barracks, naval supply depot, Bayonne, N. J., on April 25, 1943; and

S. 1843. A bill to authorize the Secretary of the Navy to grant to the city of Newport News, Commonwealth of Virginia, a right-of-way over certain lands of the United States at the naval mine depot, Yorktown, Va., for water-pipe-line purposes; to the Committee on Naval Affairs.

FURLONGS FOR MEMBERS OF ARMED FORCES WITH FOREIGN SERVICE

Mr. GILLETTE submitted the following concurrent resolution (S. Con. Res. 41), which was referred to the Committee on Military Affairs:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that as far as practicable, members of the armed forces who have served continuously outside the continental limits

of the United States for 2 years or longer shall be returned to the United States and be granted 30-day furloughs or leaves of absence to rest and visit their families before reassignment to duty. The Secretary of War and the Secretary of the Navy are requested to make effective as soon as is feasible and practicable the policy outlined in this resolution.

EDISTO RIVER, S. C. (S. DOC. NO. 182)

Mr. MAYBANK. Mr. President, I ask unanimous consent that a letter from the Secretary of War dated March 3, 1944, together with a report of the Chief of Engineers of the Army, being a review of reports on Edisto River, S. C., be printed as a Senate document, with an illustration.

The VICE PRESIDENT. Without objection, it is so ordered.

TAMPA HARBOR, FLA. (S. DOC. NO. 183)

Mr. ANDREWS. Mr. President, I present a letter from the Secretary of War, dated April 4, 1944, together with the report of the Chief of Engineers of the Army on a review of report on Tampa Harbor, Fla., and request that it be printed as a Senate document, with an illustration.

The VICE PRESIDENT. Without objection, it is so ordered.

THE MANPOWER PROBLEM

Mr. AUSTIN. Mr. President, the Chicago Daily News on March 30 published a front page editorial containing among other things the following:

We cannot win the war without soldiers. And we cannot win the war without men to make the vital materials that soldiers use. Therefore, it is both sound and just to insure that we get men for both purposes by the same system of selection.

No one wants to apply the compulsory principle to all labor. All the Army and Navy is interested in is applying the compulsory system when it is needed, and only in essential war industries—and after the voluntary system has failed.

I ask unanimous consent to have the entire editorial which is entitled "The Manpower Problem," printed in the RECORD following my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

THE MANPOWER PROBLEM

On the war production side the Nation has acquitted itself magnificently. What has been done, industrially, is nothing less than a miracle. And its accomplishment is a tribute to the application and patriotism of American management and American labor.

But the achievement of this remarkable rate of production is not the whole job. The rate must be maintained. We are just entering upon the most strenuous and most costly phase of the war—costly in men and equipment and supplies. Any shortage of equipment and supplies will mean increased cost in human lives, as well as incurring the danger of defeats, and consequent prolongation of the war.

Failure to maintain the necessary rate of production of essential war supplies and equipment is not threatened any longer by lack of raw materials. Generally speaking, we have these now in abundance. It is lack of manpower in essential industries, combined with a lack of young manpower to fill the ranks of the Army and Navy, and to supply replacements, that has compelled a

revision of methods of dealing with the manpower problem. This attempted revision has been accompanied by a veritable babel of tongues which leaves the public in confusion and dismay. Numerous expedients are proposed, most of them unpromising at best, and all of them temporary in effect.

There is but one effective and permanent cure for the manpower situation—the adoption of a properly drawn national service law. The politicians (election-conscious) shrink from the suggestion as from a plague; denounce it as a "labor draft law"; talk loudly about invasion of constitutional rights, and insist there is no longer any manpower problem. The truth is they don't understand what is proposed, and don't want to understand. But the people are beginning to understand, both that there is a problem, and what is under discussion as a solution.

There is universal agreement that we could not have fought the war without the selective-service law, which gives Government the power to draft men for fighting. The justice of this system is now universally recognized. Our experience has also taught us, unmistakably, that there are certain industries engaged in the production of essential war materials, that are just as vital to fighting the war as is the carrying on of battles with the enemy at the front. It has now become completely and unquestionably clear that in some of these industries which are vital there is a continuing shortage of men required to produce these supplies.

If it is logical and just arbitrarily to assign men to the task of fighting, it is equally logical, when it is necessary, to assign men, arbitrarily, to the task of making the weapons with which to fight.

We cannot win the war without soldiers. And we cannot win the war without men to make the vital materials that soldiers use. Therefore, it is both sound and just to insure that we get men for both purposes by the same system of selection.

No one wants to apply the compulsory principle to all labor. All the Army and Navy is interested in is applying the compulsory system when it is needed, and only in essential war industries—and after the voluntary system has failed.

The truth is that such a national service law would be felt by only a small percentage of the total population. It would only be applied in vital war industries, and only in these when there is an actual shortage of labor. The overwhelming majority of people would never know such a law was in operation. But the Army and Navy, who depend upon these vital war products would know, because then they would be sure to get the war supplies they need when they are needed.

ORDER OF BUSINESS

The VICE PRESIDENT. The clerk will read the Journal of the proceedings of Saturday, April 1, 1944.

Mr. BANKHEAD. Mr. President, before that is done, in view of the informal agreement that no business should be transacted, I move that the Senate take a recess until tomorrow. We can then recess until Monday.

Mr. BURTON. Mr. President, will the Senator withhold his motion for a moment? Several Senators wish to place matters in the RECORD. There is no objection to the recess, however.

Mr. BANKHEAD. I withhold the motion.

THE DRAFT SITUATION

Mr. TAFT. Mr. President, I ask unanimous consent to have incorporated in the RECORD a statement prepared by me discussing the draft, with a headline

review of the different orders made during the past 3 weeks.

There being no objection, the statement and review were ordered to be printed in the RECORD, as follows:

It has been 3 years since Congress adopted the National Service Act empowering the President to draft manpower on an orderly basis for the fighting services. More than 2 years have elapsed since the United States entered the war. On May 5, 1942, nearly 2 years ago, I introduced a bill to classify all men subject to draft into seven classes based on age and family status, with definitely assigned priorities. On June 18, 1942, I presented a complete analysis of the different groups and made more definite suggestions of classification. Power to classify by age groups was given to the Director, but not used. In 1943 I proposed a definite deferred classification of fathers over 30. It was rejected because of a completely illogical letter from General Marshall. Now the administration has come a long way toward one of my proposals with a distinction at age 26. But how long will they stay there?

Today the entire draft situation is just as muddled, just as confused as ever. There is hardly a day goes by that a new order is not issued, that President Roosevelt does not differ with Manpower Director McNutt, or McNutt with General Hershey, or Secretaries Stimson and Ickes with all of them.

The time has come to quit playing fast and loose with the existence of American men and their families. It is utterly ridiculous at this stage of the war to have married men telling their families goodbye, giving up their jobs, and selling their businesses, only to be told the next day it was all a mistake and they will not be needed; that they can go back home and pick up the scattered threads of their lives. But not securely, for they might be called again on a moment's notice.

Such confusion is not only harmful to public morale, but also must be a deterrent to constancy in war production.

I propose a four-point program:

1. Develop a long-range draft plan for the armed services based upon probable manpower needs, with agreement among all of the executive heads concerned. Make the classifications clear and definite and permanent.

2. Announce it to the public as final except as some great emergency clearly requires a change.

3. Stick to it, once adopted, so that those in the various categories can plan their lives accordingly, at least for a few months.

4. Stop confusing every person in the country between the ages of 18 and 38, and let the people get down to the serious business of winning the war.

A HEADLINE REVIEW OF THE DRAFT MUDDLE

March 19, 1944: Chairman of War Production Board and War Manpower Commission reach agreement on budgeting manpower.

March 25, 1944: United States speeds plan to draft men under 26. Status of older registrants will not be changed until the younger are inducted. New draft program faces struggle over industry needs. McNutt committee to rule on keymen.

March 28, 1944: Seven million IV-F's, I-C's, and 38 to 45's probable labor-crisis solution. Men classified as unfit for military service are ones who must keep essential production going.

March 29, 1944: General Hershey would draft IV-F's to work.

March 29, 1944: Paul McNutt, W. M. C. Chairman, thinks manpower situation is under control and is reported to have written Roosevelt he will resign if Army and Navy interference is not terminated.

March 30, 1944: Roosevelt reported favoring Hershey plan of inducting IV-F's not in war work.

March 30, 1944: Work draft officials views at variance. President Roosevelt favors enactment of national-service legislation on broad scale. McNutt before House Military Affairs Subcommittee says there is no need for such legislation. General Hershey in Providence speech says he will insist IV-F's 18 to 26 be taken for service in war jobs.

April 1, 1944: Colonel Keesling, legislative liaison officer of Selective Service, proposes Nation-wide campaign to convince IV-F's of their moral obligation to enter war work.

April 2, 1944: McNutt's interagency committee on manpower bogged down in quarrel over which industrial activities are entitled to request occupational deferments.

April 5, 1944: General Hershey says men 26 to 37 will fill Army gaps, not enough under 26.

April 5, 1944: Maritime service told to halt enlistments of men under 26. Men 26 to 29 next group to feel pressure of stricter occupational deferments. IV-F's warned they must enter war work or face possible legislative and administrative action to insure they do necessary work.

April 7, 1944: Ickes says draft will hit coal hard unless deferments given to miners 22 to 25 with 3 years' experience.

April 7, 1944: Army now attains peak strength of 7,700,000 men and Navy within 400,000 of goal of 3,600,000 men expected to be attained September 1. Draft calls, however, must continue at present levels until July 1 to supply replacements.

April 8, 1944: Men over 29 put last in future draft. Divides draftees into three groups in considering them for occupational deferments (1) 18 to 25 (2) 26 to 29 (3) 30 and over.

April 8, 1944: General Hershey and Paul McNutt make joint request on IV-F's to check with local offices of U. S. Employment Service on whether they are employed in work essential to war. If not they are advised to seek through U. S. E. S. work in lines listed as essential. Draft boards, however, ordered to go easy on men over 30, especially fathers.

April 9, 1944: Draft is halted for men over 26 in all "war-supporting activities." Order exempts even those called for April 10. Earlier ruling rescinded.

THE TEXAS NEGRO VOTE DECISIONS

Mr. MAYBANK. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article appearing in the Washington Evening Star, of April 9, 1944, entitled "The Texas Negro Vote Decisions." I had intended to discuss the matter today, but, in view of the statement of the Senator from Alabama [Mr. BANKHEAD] that a recess is to be taken until tomorrow, I shall wait until that time to discuss it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TEXAS NEGRO VOTE DECISIONS—STATUS OF PARTY PRIMARY AS STATE AGENCY ISSUE CAUSING REVERSAL

The complete reversal by the Supreme Court of a 1935 decision by the Court, in which the right of the Democratic Party in Texas to exclude Negroes from voting in the party's primary was upheld, has raised the question of how nine men can decide one way at one time and how eight men (seven of them new) can decide exactly the opposite way 9 years later. The text of the two decisions, with some eliminations, is printed below to give the readers of the Sunday Star a better understanding of the reasoning which brought about the ruling in each case.

The Supreme Court in 1935 was composed of Chief Justice Charles Evans Hughes and Justices Willis Van Devanter, James C. McReynolds, Louis D. Brandeis, George Sutherland, Pierce Butler, Harlan F. Stone, Owen J. Roberts, and Benjamin N. Cardozo. The 1935 decision was unanimous.

GROVEY AGAINST TOWNSEND (1935)

(Mr. Justice Roberts delivered the opinion of the Court)

The petitioner, by complaint filed in the Justice Court of Harris County, Tex., alleged that although he is a citizen of the United States and of the State and county, and a member of and believer in the tenets of the Democratic Party, the respondent, the county clerk, a State officer, having as such only public functions to perform, refused him a ballot for a Democratic Party primary election, because he is of the Negro race. He demanded \$10 damages. The pleading quotes articles of the Revised Civil Statutes of Texas which require the nomination of candidates at primary elections by any organized political party whose nominees received 100,000 votes or more at the preceding general election, and recites that agreeably to these enactments a Democratic primary election was held on July 28, 1934, at which petitioner had the right to vote. Referring to statutes which regulate absentee voting at primary elections, the complaint states the petitioner expected to be absent from the county on the date of the primary election, and demanded of the respondent an absentee ballot, which was refused him in virtue of a resolution of the State Democratic convention of Texas, adopted May 24, 1932, which is:

"Be it resolved, That all white citizens of the State of Texas who are qualified to vote under the constitution and laws of the State shall be eligible to membership in the Democratic Party and as such entitled to participate in its deliberations."

Lack of legal excuse charged

The complaint charges that the respondent acted without legal excuse and his wrongful and unlawful acts constituted a violation of the fourteenth and fifteenth amendments of the Federal Constitution.

A demurrer, assigning as reasons that the complaint was insufficient in law and stated no cause of action, was sustained; and a motion for a new trial, reasserting violation of the Federal rights mentioned in the complaint, was overruled. We granted certiorari, because of the importance of the Federal question presented, which has not been determined by this court. Our jurisdiction is clear, as the justice court is the highest State court in which a decision may be had, and the validity of the constitution and statutes of the State was drawn in question on the ground of their being repugnant to the Constitution of the United States.

The charge is that respondent, a State officer, in refusing to furnish petitioner a ballot, obeyed the law of Texas, and the consequent denial of petitioner's right to vote in the primary election because of his race and color was State action forbidden by the Federal Constitution; and it is claimed that former decisions require us so to hold. The cited cases are, however, not in point. In *Nixon v. Herndon* (273 U. S. 536) a statute which enacted that "in no event shall a Negro be eligible to participate in a Democratic Party primary election held in the State of Texas," was pronounced offensive to the fourteenth amendment. In *Nixon v. Condon* (286 U. S. 73) a statute was drawn in question which provided that "every political party in this State through its State executive committee shall have the power to prescribe the qualifications of its own members and shall in its own way determine who shall be qualified to vote or otherwise participate in such political party." We held this was

a delegation of State power to the State executive committee and made its determination conclusive irrespective of any expression of the party's will by its convention, and therefore the committee's action barring Negroes from the party primaries was State action prohibited by the fourteenth amendment. Here the qualifications of citizens to participate in party councils and to vote at party primaries have been declared by the representatives of the party in convention assembled, and this action upon its face is not State action. The question whether under the constitution and laws of Texas such a declaration as to party membership amounts to State action was expressly reserved in *Nixon v. Condon*. * * * Petitioner insists that for various reasons the resolution of the State convention limiting membership in the Democratic Party in Texas to white voters does not relieve the exclusion of Negroes from participation in Democratic primary elections of its true nature as the act of the State.

Primary required by statutes

First. An argument pressed upon us in *Nixon v. Condon*, which we found it unnecessary to consider, is again presented. It is that the primary election was held under statutory compulsion; is wholly statutory in origin and incidents; those charged with its management have been deprived by statute and judicial decision of all power to establish qualifications for participation therein inconsistent with those laid down by the laws of the State, save only that the managers of such elections have been given the power to deny Negroes the vote. It is further urged that while the election is designated that of the Democratic Party, the statutes not only require this method of selecting party nominees but define the powers and duties of the party's representatives, and of those who are to conduct the election, so completely, and make them so thoroughly officers of the State, that any action taken by them in connection with the qualifications of members of the party is in fact State action and not party action.

In support of this view petitioner refers to title 50 of the Revised Civil Statutes of Texas of 1925.

A perusal of these provisions, so it is said, will convince that the State has prescribed and regulated party primaries as fully as general elections, and has made those who manage the primaries State officers subject to State direction and control.

Expense not borne by State

While it is true that Texas has by its laws elaborately provided for the expression of party preference as to nominees, * * * it is equally true that the primary is a party primary; the expenses of it are not borne by the State, but by members of the party seeking nomination * * * the ballots are furnished not by the State, but by the agencies of the party; the votes are counted and the returns made by instrumentalities created by the party, and the State recognizes the State convention as the organ of the party for the declaration of principles and the formulation of policies * * *

We are told that in *Love v. Wilcox* * * * the Supreme Court of Texas held the State was within its province in prohibiting a party from establishing past party affiliations or membership in nonpolitical organizations as qualifications or tests for participation in primary elections, and in consequence issued its writ of mandamus against the members of the State Executive Committee of the Democratic Party on the ground that they were public functionaries fulfilling duties imposed on them by law. But in that case it was said:

"We are not called upon to determine whether a political party has power, beyond

statutory control, to prescribe what persons shall participate as voters or candidates in its conventions or primaries. We have no such state of facts before us."

Committee's power restricted

After referring to article 3107, which limits the power of the State executive committee of a party to determine who shall be qualified to vote at primary elections, the Court said:

"The committee's discretionary power is further restricted by the statute directing that a single, uniform pledge be required of the primary participants. The effect of the statute is to decline to give recognition to the lodgment of power in a State executive committee, to be exercised at its discretion."

Although it did not pass upon the constitutionality of 3107, as we did in *Nixon v. Condon*, the court thus recognized the fact upon which our decision turned, that the effort was to vest in the State executive committee the power to bind the party by its decision as to who might be admitted to membership.

In *Bell v. Hill*, * * * the same court, in a mandamus proceeding instituted after the adoption by the State convention of the resolution of May 24, 1932, restricting eligibility for membership in the Democratic Party to white persons, held the resolution valid and effective. After a full consideration of the nature of political parties in the United States, the Court concluded that such parties in the State of Texas * * * are voluntary associations for political action and are not creatures of the State * * *. The Court declared that a proper view of the election laws of Texas, and their history, required the conclusion that the Democratic Party in that State is a voluntary political association and, by its representatives assembled in convention, has the power to determine who shall be eligible for membership, and, as such, eligible to participate in the party's primaries.

We cannot, as petition urges, give weight to earlier expressions of the State courts said to be inconsistent with the declaration of the law. * * *

In the light of the principles so announced, we are unable to characterize the managers of the primary election as State officers in such sense that any action taken by them in obedience to the mandate of the State convention respecting eligibility to participate in the organization's deliberations, is State action.

Second. We are told that sections 2 and 27 of the Bill of Rights of the Constitution of Texas as construed in *Bell v. Hill*, violate the Federal Constitution, for the reason that so construed they fail to forbid a classification based upon race and color, whereas in *Love v. Wilcox*, they were not held to forbid classifications based upon party affiliations and membership or nonmembership in organizations other than political parties, which classifications were by article 3107 of Revised Civil Statutes, 1925, prohibited. But, as above said in *Love v. Wilcox*, the court did not construe or apply any constitutional provision and expressly reserved the question as to the power of a party in convention assembled to specify the qualifications for membership therein.

Third. An alternative contention of petitioner is that the State Democratic convention which adopted the resolution here involved was a mere creature of the State and could not lawfully do what the Federal Constitution prohibits to its creator. * * * We are not prepared to hold that in Texas the State convention of a party has become a mere instrumentality or agency for expressing the voice or will of the State.

Fourth. The complaint states that the candidates for the offices of Senator and Representative in Congress were to be nominated

at the primary election of July 9, 1934, and that in Texas nomination by the Democratic party is equivalent to election. These facts (the truth of which the demurrer assumes) the petitioner insists, without more, make out a forbidden discrimination. A similar situation may exist in other States where one or another party includes a great majority of the qualified electors. The argument is that as a Negro may not be denied a ballot at a general election on account of his race or color, if exclusion from the primary renders his vote at the general election insignificant and useless, the result is to deny him the suffrage altogether. So to say is to confuse the privilege of membership in a party with the right to vote for one who is to hold a public office. With the former the State need have no concern, with the latter it is bound to concern itself, for the general election is a function of the State government and discrimination by the State as respects participation by Negroes on account of their race or color is prohibited by the Federal Constitution. * * *

We find no ground for holding that the respondent has in obedience to the mandate of the law of Texas discriminated against the petitioner or denied him any right guaranteed by the fourteenth and fifteenth amendments.

Judgment affirmed.

The present Supreme Court is composed of Chief Justice Harlan F. Stone and Justices Owen J. Roberts, Hugo F. Black, Stanley F. Reed, Felix Frankfurter, William O. Douglas, Frank Murphy, Robert H. Jackson, and Wiley Rutledge. The decision last Monday was eight to one, Justice Roberts dissenting.

SMITH VERSUS ALLWRIGHT (1944)

(Mr. Justice Reed delivered the opinion of the Court)

This writ of certiorari brings here for review a claim for damages in the sum of \$5,000 on the part of petitioner, a Negro citizen of the forty-eighth precinct of Harris County, Tex., for the refusal of respondents, election and associate election judges respectively of that precinct, to give petitioner a ballot or to permit him to cast a ballot in the primary election of July 27, 1940, for the nomination of Democratic candidates for the United States Senate and House of Representatives, and Governor and other State officers. The refusal is alleged to have been solely because of the race and color of the proposed voter.

The actions of respondents are said to violate sections 31 and 43 of title 8 of the United States Code in that petitioner was deprived of rights secured by sections 2 and 4 of article I and the fourteenth, fifteenth, and seventeenth amendments to the United States Constitution.

The district court denied the relief sought and the circuit court of appeals quite properly affirmed its action on the authority of *Grovey v. Townsend* (295 U. S. 45). We granted the petition for certiorari to resolve a claimed inconsistency between the decision in the *Grovey* case and that of *United States v. Classic*.

Nomination by qualified voters

The State of Texas by its constitution and statutes provides that every person, if certain other requirements are met which are not here in issue, qualified by residence in the district or county, "shall be deemed a qualified elector * * *". Primary elections for United States Senators, Congressmen, and State officers are provided for by chapters 12 and 13 of the statutes. Under these chapters, the Democratic Party was required to hold the primary which was the occasion of the alleged wrong to petitioner. These nominations are to be made by the qualified voters of the party.

The Democratic Party of Texas is held by the supreme court of that State to be a "voluntary association" (*Bell v. Hill*), pro-

ected by section 27 of the bill of rights, article I, Constitution of Texas, from interference by the State except that—

"In the interest of fair method and a fair expression by their members of their preferences in the selection of their nominees, the State may regulate such elections by proper laws."

The Democratic Party on May 24, 1932, in a State convention adopted the following resolution, * * *

"Be it resolved, That all white citizens of the State of Texas who are qualified to vote under the constitution and laws of the State shall be eligible to membership in the Democratic Party and, as such, entitled to participate in its deliberations."

Resolution basis of refusal

It was by virtue of this resolution that the respondents refused to permit the petitioner to vote.

Texas is free to conduct her elections and limit her electorate as she may deem wise, save only as her action may be affected by the prohibitions of the United States Constitution or in conflict with powers delegated to and exercised by the National Government. The fourteenth amendment forbids a State from making or enforcing any law which abridges the privileges or immunities of citizens of the United States and the fifteenth amendment specifically interdicts any denial or abridgment by a State of the right of citizens to vote on account of color. Respondents appeared in the district court and the Circuit Court of Appeals and depended on the ground that the Democratic Party of Texas is a voluntary organization with members banded together for the purpose of selecting individuals of the group representing the common political beliefs as candidates in the general election. As such a voluntary organization, it was claimed, the Democratic Party is free to select its own membership and limit to whites participation in the party primary. Such action, the answer asserted, does not violate the fourteenth, fifteenth, and seventeenth amendments as officers of government cannot be chosen at primaries and the amendments are applicable only to general elections where governmental officers are actually elected. Primaries, it is said, are political party affairs, handled by party, not governmental officers. * * *

Issue considered by court in 1924

The right of a Negro to vote in the Texas primary has been considered heretofore by this court. The first case was *Nixon v. Herndon*. At that time, 1924, the Texas statute, * * * declared "in no event shall a Negro be eligible to participate in a Democratic Party primary election in the State of Texas." Nixon was refused the right to vote in a Democratic primary and brought a suit for damages against the election officers under * * * the present sections 43 and 31 of title 8, United States Code, respectively. It was urged to this court that the denial of the franchise to Nixon violated his constitutional rights under the fourteenth and fifteenth amendments. Without consideration of the fifteenth, this court held that the action of Texas in denying the ballot to Negroes by statute was in violation of the equal protection clause of the fourteenth amendment and reversed the dismissal of the suit.

The Legislature of Texas reenacted the article but gave the State executive committee of a party the power to prescribe the qualifications of its members for voting or other participation. This article remains in the statutes. The State executive committee of the Democratic Party adopted a resolution that white Democrats and none other might participate in the primaries of that party. Nixon was refused again the

privilege of voting in a primary and again brought suit for damages. This court again reversed the dismissal of the suit for the reason that the committee action was deemed to be State action and invalid as discriminatory under the fourteenth amendment. The test was said to be whether the committee operated as representative of the State in the discharge of the State's authority. * * * The question of the inherent power of a political party in Texas "without restraint by any law to determine its own membership" was left open.

Absentee ballot was requested

In *Grovey v. Townsend*, this court had before it another suit for damages for the refusal in a primary of a county clerk, a Texas officer with only public functions to perform, to furnish petitioner, a Negro, an absentee ballot. The refusal was solely on the ground of race. This case differed from *Nixon v. Condon*, in that a State convention of the Democratic Party had passed the resolution of May 24, 1932, hereinbefore quoted. It was decided that the determination by the State convention of the membership of the Democratic Party made a significant change from a determination by the executive committee. The former was party action, voluntary in character. The latter, as had been held in the *Condon* case, was action by authority of the State. The managers of the primary election were therefore declared not to be State officials in such sense that their action was State action. A State convention of a party was said not to be an organ of the State. This court went on to announce that to deny a vote in a primary was a mere refusal of party membership with which "the State need have no concern," while for a State to deny a vote in a general election on the ground of race or color violated the Constitution. Consequently, there was found no ground for holding that the county clerk's refusal of a ballot because of racial ineligibility for party membership denied the petitioner any right under the fourteenth or fifteenth amendments.

Since *Grovey v. Townsend* and prior to the present suit, no case from Texas involving primary elections has been before this court. We did decide, however, *United States v. Classic*. We there held that section 4 of article I of the Constitution authorized Congress to regulate primary as well as general elections, "where the primary is by law made an integral part of the election machinery." * * * By this decision the doubt as to whether or not such primaries were a part of "elections" subject to Federal control, which had remained unanswered since *Newberry v. United States*, was erased. The *Nixon* cases were decided under the equal protection clause of the fourteenth amendment without a determination of the status of the primary as a part of the electoral process. The exclusion of Negroes from the primaries by action of the State was held invalid under that amendment. The fusing by the *Classic* case of the primary and general elections into a single instrumentality for choice of officers has a definite bearing on the permissibility under the Constitution of excluding Negroes from primaries. This is not to say that the *Classic* case cuts directly into the rationale of *Grovey v. Townsend*. This latter case was not mentioned in the opinion. *Classic* bears upon *Grovey v. Townsend* not because exclusion of Negroes from primaries is any more or less State action by reason of the unitary character of the electoral process but because the recognition of the place of the primary in the electoral scheme makes clear that State delegation to a party of the power to fix the qualifications of primary elections is delegation of a State function that may make the party's action the action of the State. * * *

The statutes of Texas relating to primaries and the resolution of the Democratic Party of Texas extending the privileges of membership to white citizens only are the same in substance and effect today as they were when *Grovey v. Townsend* was decided by a unanimous court. The question as to whether the exclusionary action of the party was the action of the State persists as the determinative factor. In again entering upon consideration of the inference to be drawn as to State action from a substantially similar factual situation, it should be noted that *Grovey v. Townsend* upheld exclusion of Negroes from primaries through the denial of party membership by a party convention. A few years before this court refused approval of exclusion by the State executive committee of the party. A different result was reached on the theory that the committee action was State authorized and the convention action was unfettered by statutory control. Such a variation in the result from so slight a change in form influences us to consider anew the legal validity of the distinction which has resulted in barring Negroes from participating in the nominations of candidates of the Democratic Party in Texas. Other precedents of this court forbid the abridgment of the right to vote. * * *

It may now be taken as a postulate that the right to vote in such a primary for the nomination of candidates without discrimination by the State, like the right to vote in a general election, is a right secured by the Constitution. * * * By the terms of the fifteenth amendment that right may not be abridged by any State on account of race. Under our Constitution, the great privilege of choosing his rulers may not be denied a man by the State because of his color.

We are thus brought to an examination of the qualifications for Democratic primary electors in Texas, to determine whether State action or private action has excluded Negroes from participation. Despite Texas' decision that the exclusion is produced by private or party action, *Bell v. Hill*, Federal courts must for themselves appraise the facts leading to that conclusion. * * * Texas requires electors in a primary to pay a poll tax. Every person who does so pay and who has the qualifications of age and residence is an acceptable voter for the primary. * * * Texas requires by the law the election of the county officers of a party. These compose the county executive committee. The county chairmen so selected are members of the district executive committee and choose the chairman for the district. Precinct primary election officers are named by the county executive committee. Statutes provide for the election by the voters of precinct delegates to the county convention of a party and the selection of delegates to the district and State conventions by the county convention. The State convention selects the State executive committee. No convention may place in platform or resolution any demand for specific legislation without endorsement of such legislation by the voters in the primary. Texas thus directs the selection of all party officers.

Primary elections are conducted by the party under State statutory authority. * * *

We think that this statutory system for the selection of party nominees for inclusion on the general election ballot makes the party which is required to follow these legislative directions an agency of the State insofar as it determines the participants in a primary election. The party takes its character as a State agency from the duties imposed upon it by State statutes; the duties do not become matters of private law because they are performed by a political party. If the State requires a certain electoral procedure, prescribes a general election ballot made up of party nominees so chosen, and limits the choice of the electorate in general elections

for State offices, practically speaking, to those whose names appear on such a ballot, it endorses, adopts, and enforces the discrimination against Negroes, practiced by a party entrusted by Texas law with the determination of the qualification of participants in the primary. This is State action within the meaning of the fifteenth amendment.

The United States is a constitutional democracy. Its organic law grants to all citizens a right to participate in the choice of elected officials without restriction by any State because of race. * * *

The privilege of membership in a party may be, as this court said in *Grovey v. Townsend*, no concern of a State. But when, as here, that privilege is also the essential qualification for voting in a primary to select nominees for a general election, the State makes the action of the party the action of the State. * * *

Grovey v. Townsend overruled.

FOREIGN RELATIONS ADVISORY COUNCIL

Mr. WILEY. Mr. President, on September 17, 1942, I submitted a resolution which provided for a Senate liaison committee. I ask that the resolution (S. Res. 290) be printed in the RECORD and that following the resolution an editorial published in the Washington Morning Post, entitled "Advice and Consent," be also printed in the RECORD.

There being no objection the resolution and editorial were ordered to be printed in the RECORD as follows:

Senate Resolution 290

Resolved, That the Chief Executive be invited to join with the Senate in the creation of a foreign relations advisory council to be constituted of the following: The Secretary of State, the Under Secretary of State, other technicians whom the Secretary of State might designate, the chairman and the ranking minority member of the Senate Committee on Foreign Relations, and the chairman and the ranking minority member of the House Committee on Foreign Affairs, and such other Senators as the President might from time to time designate.

[From the Washington Post]

ADVICE AND CONSENT

Response to Secretary Hull's request for a Senatorial committee to advise and consult with the Department of State on post-war peace problems has been almost universally favorable. The country is keenly aware of the necessity of collaboration between the legislative and executive branches in order to avoid repetition of the Versailles Treaty fiasco. Coming along with Mr. Hull's more detailed explanation of our foreign policy, his bid for a preliminary meeting of minds notably brightens the outlook for a stable peace in which the United States will be a positive factor.

The only exception that might be taken to Mr. Hull's request is that it was addressed to Chairman CONNALLY of the Foreign Relations Committee rather than to the Senate itself. Actually, of course, it is the Senate as a body which must ratify any peace treaty that the Administration may negotiate. So the Senate itself might well decide what group shall represent it in consulting with the State Department. Naturally some unit within the Foreign Relations Committee will be selected for that task, but we think that the importance of its assignment is such that it might well be designated by the Senate as a body or by the recognized leaders of the Senate. Undoubtedly the Senate as a body will be more inclined to give weight to the work and recommendations of the consultative committee if it is set up in accord with action of the Senate.

On several occasions we have indorsed the Wiley resolution designed to set up a foreign relations advisory council to be composed of representatives of the Department of State, the Senate, and House. Now that Secretary Hull has requested such collaboration, the purpose behind this resolution could doubtless be accomplished through the creation of a joint foreign-relations advisory committee. We thoroughly agree with Congressmen BLOOM and JOHNSON that the House should be represented. And the desirability of having one consultative body instead of two scarcely need be stated.

The joint committee idea is appealing for another reason. One of the first tasks of this advisory group might well be sponsorship of an amendment to the Constitution eliminating the two-thirds vote in the Senate for ratification of treaties. In its place should be put a requirement for approval of treaties by simple majorities of both the Senate and House. Recognition of the House's interest in the whole realm of foreign relations would be an appropriate prelude to this proposed change.

FOREIGN POLICY OF THE UNITED STATES—ADDRESS BY THE SECRETARY OF STATE (S. DOC. NO. 181)

Mr. BANKHEAD. Mr. President, I ask to have printed in the RECORD an address on the foreign policy of the United States, by Hon. Cordell Hull, Secretary of State, delivered last Sunday evening at 6:30 p. m., and broadcast over the network of the Columbia Broadcasting System.

I also ask that the address be printed as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The address was ordered to be printed as a document, and to be printed in the RECORD, as follows:

I want to talk with you this evening about the foreign policy of the United States. This is not, as some writers assume, a mysterious game carried on by diplomats with other diplomats in foreign offices all over the world. It is for us the task of focusing and giving effect in the world outside our borders to the will of 135,000,000 people through the constitutional processes which govern our democracy. For this reason our foreign policy must be simple and direct and founded upon the interests and purposes of the American people. It has continuity of basic objectives because it is rooted in the traditions and aspirations of our people. It must, of course, be applied in the light of experience and the lessons of the past.

In talking about foreign policy it is well to remember, as Justice Holmes said, that a page of history is worth a volume of logic. There are three outstanding lessons in our recent history to which I particularly wish to draw your attention. In the first place, since the outbreak of the present war in Europe, we and those nations who are now our allies have moved from relative weakness to strength. In the second place, during that same period we in this country have moved from a deep-seated tendency toward separate action to the knowledge and conviction that only through unity of action can there be achieved in this world the results which are essential for the continuance of free peoples. And, thirdly, we have moved from a careless tolerance of evil institutions to the conviction that free governments and Nazi and Fascist governments cannot exist together in this world, because the very nature of the latter requires them to be aggressors and the very nature of free governments too often lays them open to treacherous and well-laid plans of attack.

An understanding of these points will help to clarify the policy which this Government has been and is following.

In 1940, with the fall of France, the peoples of the free world awoke with horror to find themselves on the very brink of defeat. Only Britain in the West and China in the East stood between them and disaster, and the space on which they stood was narrow and precarious. At that moment the free nations were militarily weak and their enemies and potential enemies were strong and well prepared. Even before that this country had begun its preparations for self-defense. Soon thereafter we started upon the long, hard road of mobilizing our great natural resources, our vast productive potentialities, and our reserves of manpower to defend ourselves and to strengthen those who were resisting the aggressors.

This was a major decision of foreign policy. Since that decision was made we have moved far from the former position. We and our allies are attaining a strength which can leave no doubt as to the outcome. That outcome is far from achieved. There are desperate periods still before us, but we have built the strength which we sought, and we need only to maintain the will to use it.

This decision which we have made and carried out was not a decision to make a mere sporadic effort. An episode is not a policy. The American people are determined to press forward with our allies to the defeat of our enemies and the destruction of the Nazi and Fascist systems which plunged us into the war. And they are also determined to go on, after the victory, with our allies and all other nations which desire peace and freedom to establish and maintain in full strength the institutions without which peace and freedom cannot be an enduring reality. We cannot move in and out of international cooperation and in and out of participation in the responsibilities of a member of the family of nations. The political, material, and spiritual strength of the free and democratic nations not only is greatly dependent upon the strength which our full participation brings to the common effort, but, as we now know, is a vital factor in our own strength. As it is with the keystone of an arch, neither the keystone nor the arch can stand alone.

This growth of our strength entails consequences in our foreign policy. Let us look first at our relations with the neutral nations.

In the 2 years following Pearl Harbor, while we were mustering our strength and helping to restore that of our allies, our relations with these neutral nations and their attitude toward our enemies were conditioned by the position in which we found ourselves. We have constantly sought to keep before them what they, of course, know—that upon our victory hangs their very existence and freedom as independent nations. We have sought in every way to reduce the aid which their trade with the enemy gives him and to increase the strength which we might draw from them. But our power was limited. They and we have continually been forced to accept compromises which we certainly would not have chosen.

That period, I believe, is rapidly drawing to a close. It is clear to all that our strength and that of our allies now makes only one outcome of this war possible. That strength now makes it clear that we are not asking these neutral nations to expose themselves to certain destruction when we ask them not to prolong the war, with its consequences of suffering and death, by sending aid to the enemy.

We can no longer acquiesce in these nations drawing upon the resources of the allied world when they at the same time contribute to the death of troops whose sacrifice contributes to their salvation as well as ours. We have scrupulously respected the sovereignty of these nations; and we have not coerced, nor shall we coerce, any nation to

join us in the fight. We have said to these countries that it is no longer necessary for them to purchase protection against aggression by furnishing aid to our enemy—whether it be by permitting official German agents to carry on their activities of espionage against the allies within neutral borders; or by sending to Germany the essential ingredients of the steel which kills our soldiers; or by permitting highly skilled workers and factories to supply products which can no longer issue from the smoking ruins of German factories. We ask them only, but with insistence, to cease aiding our enemy.

The Allied strength has now grown to the point where we are on the verge of great events. Of military events I cannot speak. It is enough that they are in the hands of men who have the complete trust of the American people. We await their development with absolute confidence. But I can and should discuss with you what may happen close upon the heels of military action.

As I look at the map of Europe, certain things seem clear to me. As the Nazis go down to defeat, they will inevitably leave behind them in Germany and the satellite states of southeastern Europe a legacy of confusion. It is essential that we and our allies establish the controls necessary to bring order out of this chaos as rapidly as possible and do everything possible to prevent its spread to the German-occupied countries of eastern and western Europe while they are in the throes of reestablishing government and repairing the most brutal ravages of the war. If confusion should spread throughout Europe, it is difficult to overemphasize the seriousness of the disaster that may follow. Therefore, for us, for the world, and for the countries concerned a stable Europe should be an immediate objective of allied policy.

Stability and order do not and cannot mean reaction. Order there must be to avoid chaos. But it must be achieved in a manner which will give full scope to men and women who look forward, men and women who will end fascism and all its works and create the institutions of a free and democratic way of life.

We look with hope and with deep faith to a period of great democratic accomplishment in Europe. Liberation from the German yoke will give the peoples of Europe a new and magnificent opportunity to fulfill their democratic aspirations, both in building democratic political institutions of their own choice, and in achieving the social and economic democracy on which political democracy must rest. It is important to our national interest to encourage the establishment in Europe of strong and progressive popular governments, dedicated like our own to improving the social welfare of the people as a whole—governments which will join the common effort of nations in creating the conditions of lasting peace, and in promoting the expansion of production, employment, and the exchange and consumption of goods which are the material foundations of the liberty and welfare of all peoples.

It is hard to imagine a stable Europe if there is instability in its component parts, of which France is one of the most important. What, then, is our policy toward France? Our first concern is to defeat the enemy, drive him from French territory, and the territory of all the adjacent countries which he has overrun. To do this the supreme military commander must have unfettered authority. But we have no purpose or wish to govern France or to administer any affairs save those which are necessary for military operations against the enemy. It is of the utmost importance that civil authority in France should be exercised by Frenchmen, should be swiftly established, and should operate in accordance with advanced planning as fully as military operations will per-

mit. It is essential that the material foundations of the life of the French people be at once restored or resumed. Only in this way can stability be achieved.

It has always been our thought in planning for this end that we should look to Frenchmen to undertake civil administration and assist them in that task without compromising in any way the right of the French people to choose the ultimate form and personnel of the government which they may wish to establish. That must be left to the free and untrammelled choice of the French people.

The President and I are clear, therefore, as to the need, from the outset, of French civil administration—and democratic French administration—in France. We are disposed to see the French Committee of National Liberation exercise leadership to establish law and order under the supervision of the Allied Commander in Chief. The committee has given public assurance that it does not propose to perpetuate its authority. On the contrary, it has given assurance that it wishes at the earliest possible date to have the French people exercise their own sovereign will in accordance with French constitutional processes. The committee is, of course, not the Government of France and we cannot recognize it as such. In accordance with this understanding of mutual purposes the committee will have every opportunity to undertake civil administration and our cooperation and help in every practicable way in making it successful. It has been a symbol of the spirit of France and of French resistance. We have fully cooperated with it in all the military phases of the war effort, including the furnishing of arms and equipment to the French armed forces. Our central and abiding purpose is to aid the French people, our oldest friends, in providing a democratic, competent, and French administration of liberated French territory.

In Italy our interests are likewise in assisting in the development at the earliest moment of a free and democratic Italian Government. As I said some moments ago, we have learned that there cannot be any compromise with fascism—whether in Italy or in any other country. It must always be the enemy and it must be our determined policy to do all in our power to end it. Here again, within these limits, it is not our purpose or policy to impose the ultimate form or personnel of government. Here again we wish to give every opportunity for a free expression of a free Italy. We had hoped that before this enough of Italy would have been freed so that we might have had at least a preliminary expression of that will. Events have not progressed according to our hopes.

The present situation, then, is this: In October 1943 the President, Mr. Churchill, and Marshal Stalin accepted the active cooperation of the Italian Government and its armed forces as a cobelligerent in the war against Germany under the supervision of an Allied Control Commission. The declaration regarding Italy made at Moscow by the British, Soviet, and American Governments confirmed the policy initiated by the British and American Governments that the Italian Government shall be made more democratic by the introduction of representatives of those sections of the Italian people who have always opposed fascism; that all institutions and organizations created by the Fascist regime shall be suppressed; that all Fascists or pro-Fascist elements shall be removed from the administration and from the institutions and organizations of a public character; and that democratic organs of local governments shall be created. Finally, it recites that nothing in the declaration should operate against the right of the Italian people "ultimately to choose their own form of government."

This policy has been and is being carried out. Only that part which calls for the introduction into the central government of more democratic elements has not yet been put into effect. This does not signify any change in the clear and announced policy. Thus far it has been thought by those chiefly responsible for the military situation that it would be prejudiced by an imposed reconstruction of the Government, and a reconstruction by agreement has not yet been possible. But there is already promise of success in the activities of the political parties which are currently holding conferences with a view to drawing up a program for the political reconstruction of their country along democratic lines. The permanent executive junta is seeking a solution which will provide for the cooperation of the liberal political groups within the Government. Thus, after 21 years, we see a rebirth of political consciousness and activity in Italy, which points the way to the ultimate free expression of the Italian people in the choice of their government.

What I have said related to some of the most immediate of our problems and the effect of our policy toward them as we and our allies have moved from a position of weakness to one of strength. There remain the more far-reaching relations between us and our allies in dealing with our enemies and in providing for future peace, freedom from aggression and opportunity for expanding material well-being. Here I would only mislead you if I spoke of definitive solutions. These require the slow, hard process, essential to enduring and accepted solutions among free peoples, of full discussion with our allies and among our own people. But such discussion is now in progress. After 2 years of intensive study, the basis upon which our policy must be founded is soundly established; the direction is clear; and the general methods of accomplishment are emerging.

This basis of policy and these methods rest upon the second of the lessons which I said at the outset of my remarks was found in the pages of our recent history. It is that action upon these matters cannot be separate but must be agreed and united action. This is fundamental. It must underlie the entire range of our policy. The free nations have been brought to the very brink of destruction by allowing themselves to be separated and divided. If any lesson has ever been hammered home with blood and suffering, that one has been. And the lesson is not yet ended.

However, difficult the road may be, there is no hope of turning victory into enduring peace unless the real interests of this country, the British Commonwealth, the Soviet Union and China are harmonized and unless they agree and act together. This is the solid framework upon which all future policy and international organization must be built. It offers the fullest opportunity for the development of institutions in which all free nations may participate democratically, through which a reign of law and morality may arise and through which the material interests of all may be advanced. But without an enduring understanding between these four nations upon their fundamental purposes, interests and obligations to one another, all organizations to preserve peace are creations on paper and the path is wide open again for the rise of a new aggressor.

This essential understanding and unity of action among the four nations is not in substitution or derogation of unity among the United Nations. But it is basic to all organized international action, because upon its reality depends the possibility of enduring peace and free institutions rather than new coalitions and a new prewar period. Nor do I suggest that any conclusions of these four nations can or should be without the participation of the other United Nations.

I am stating what I believe the common sense of my fellow countrymen and all men will recognize, that for these powers to become divided in their aims and fail to recognize and harmonize their basic interests can produce only disaster and that no machinery, as such, can produce this essential harmony and unity.

The road to agreement is a difficult one, as any man knows who has ever tried to get two other men, or a city council, or a trade gathering, or a legislative body to agree upon anything. Agreement can be achieved only by trying to understand the other fellow's point of view and by going as far as possible to meet it.

Although the road to unity of purpose and action is long and difficult, we have taken long strides upon our way. The Atlantic Charter was proclaimed by the President and the Prime Minister of Great Britain in August 1941. Then by the declaration of the United Nations of January 1, 1942, these nations adopted the principles of the Atlantic Charter, agreed to devote all their resources to the winning of the war, and pledged themselves not to conclude a separate armistice or peace with their common enemies.

After that came the declaration signed at Moscow on October 30, 1943. Here the four nations who are carrying and must carry the chief burden of defeating their enemies renewed their determination by joint action to achieve this end. But they went further than this and pledged cooperation with one another to establish at the earliest practicable date, with other peace-loving states, an effective international organization to maintain peace and security, which in principle met with overwhelming nonpartisan approval by the Congress in the Connally and Fulbright resolutions.

Further steps along the road of united allied action were taken at the conference at Cairo, where the President and Mr. Churchill met with Generalissimo Chiang Kai-shek, and at the conference at Tehran, where they met with Marshal Stalin. At Tehran the three Allies fighting in Europe reached complete agreement on military plans for winning the war, and made plain their determination to achieve harmonious action in the period of peace. That concert among the Allies rests on broad foundations of common interests and common aspirations, and it will endure. The Tehran declaration made it clear also that in the tasks of peace we shall welcome the cooperation and active participation of all nations, large and small, which wish to enter into the world family of democratic nations.

The Cairo declaration as to the Pacific assured the liquidation of Japan's occupations and thefts of territory to deprive her of the power to attack her neighbors again, to restore Chinese territories to China and, freedom to the people of Korea.

No one knows better than we and our allies who have signed these documents that they did not and do not settle all questions or provide a formula for the settlement of all questions or lay down a detailed blueprint for the future. Any man of experience knows that an attempt to do this would have been as futile as it would have been foolish.

There has been discussion recently of the Atlantic Charter and of its application to various situations. The Charter is an expression of fundamental objectives toward which we and our allies are directing our policies. It states that the nations accepting it are not fighting for the sake of aggrandizement, territorial or otherwise. It lays down the common principles upon which rest the hope of liberty, economic opportunity, peace, and security through international cooperation. It is not a code of law from which detailed answers to every question can be distilled by painstaking analysis of its words and phrases. It points the direction in which solutions are to be sought; it does not give solutions. It charts

the course upon which we are embarked and shall continue. That course includes the prevention of aggression and the establishment of world security. The Charter certainly does not prevent any steps, including those relating to enemy states, necessary to achieve these objectives. What is fundamental are the objectives of the Charter and the determination to achieve them.

It is hardly to be supposed that all the more than 30 boundary questions in Europe can be settled while the fighting is still in progress. This does not mean that certain questions may not and should not in the meantime be settled by friendly conference and agreement. We are at all times ready to further an understanding and settlement of questions which may arise between our allies, as is exemplified by our offer to be of such service to Poland and the Soviet Union. Our offer is still open. Our policy upon these matters, as upon all others, is the fundamental necessity for agreed action and the prevention of disunity among us.

So it is with the basic conviction that we must have agreed action and unity of action that we have gone to work upon the form and substance of an international organization to maintain peace and prevent aggression, and upon the economic and other cooperative arrangements which are necessary in order that we maintain our position as a working partner with other free nations. All of these matters are in different stages of development.

It is obvious, of course, that no matter how brilliant and desirable any course may seem it is wholly impracticable and impossible unless it is a course which finds basic acceptance, not only by our allies, but by the people of this country and by the legislative branch of this Government, which, under our Constitution, shares with the Executive power and responsibility for final action.

A proposal is worse than useless if it is not acceptable to those nations who must share with us the responsibility for its execution. It is dangerous for us and misleading to them if in the final outcome it does not have the necessary support in this country. It is, therefore, necessary both abroad and at home not to proceed by presenting elaborate proposals, which only produce divergence of opinion upon details, many of which may be immaterial. The only practicable course is to begin by obtaining agreement, first, upon broad principles, setting forth direction and general policy. We must then go on to explore alternative methods and finally settle upon a proposal which embodies the principal elements of agreement and leaves to future experience and discussion those matters of comparative detail which at present remain in the realm of speculation.

It is a difficult procedure and a slow procedure, as the time which has been required to work out the arrangements for such a universally accepted objective as international relief makes evident. It is a procedure in which misunderstanding, the premature hardening of positions and uninformed criticism frequently cause months of delay and endless confusion, sometimes utter frustration. It is a procedure in which the people, who are sovereign, must not only educate their servants but must be willing to be educated by them.

In this way we are proceeding with the matter of an international organization to maintain peace and prevent aggression. Such an organization must be based upon firm and binding obligations that the member nations will not use force against each other and against any other nation except in accordance with the arrangements made. It must provide for the maintenance of adequate forces to preserve peace and it must provide the institutions and procedures for

calling this force into action to preserve peace. But it must provide more than this. It must provide for an international court for the development and application of law to the settlement of international controversies which fall within the realm of law; for the development of machinery for adjusting controversies to which the field of law has not yet been extended; and for other institutions for the development of new rules to keep abreast of a changing world with new problems and new interests.

We are at a stage where much of the work of formulating plans for the organization to maintain peace has been accomplished. It is right and necessary that we should have the advice and help of an increasing number of Members of the Congress. Accordingly, I have requested the chairman of the Senate Committee on Foreign Relations to designate a representative, bipartisan group for this purpose. Following these and similar discussions with Members of the House of Representatives, we shall be in a position to go forward again with other nations and, upon learning their views, to be able to submit to the democratic processes of discussion a more concrete proposal.

With the same determination to achieve agreement and unity we talked with our allies at Tehran regarding the treatment of Nazi Germany, and with our allies at Cairo regarding the treatment which should be accorded Japan. In the formulation of our policy toward our enemies we are moved both by the two lessons from our history of which I have spoken and by the third. This is that there can be no compromise with fascism and nazi-ism. It must go everywhere. Its leaders, its institutions, the power which supports it must go. They can expect no negotiated peace, no compromise, no opportunity to return. Upon that this people and this Government are determined and our allies are equally determined. We have found no difference of opinion among our allies that the organization and purposes of the Nazi state and its Japanese counterpart, and the military system in all of its ramifications upon which they rest are, and by their very nature must be, directed toward conquest. There was no disagreement that even after the defeat of the enemy there will be no security unless and until our victory is used to destroy these systems to their very foundation. The action which must be taken to achieve these ends must be, as I have said, agreed action. We are working with our allies now upon these courses.

The conference at Moscow, as you will recall, established the European Advisory Commission, which is now at work in London upon the treatment of Germany. Out of these discussions will come back to the governments for their consideration proposals for concrete action.

Along with arrangements by which nations may be secure and free must go arrangements by which men and women who compose those nations may live and have the opportunity through their efforts to improve their material condition. As I said earlier, we will fail indeed if we win a victory only to let the free peoples of this world, through any absence of action on our part, sink into weakness and despair.

The heart of the matter lies in action which will stimulate and expand production in industry and agriculture and free international commerce from excessive and unreasonable restrictions. These are the essential prerequisites to maintaining and improving the standard of living in our own and in all countries. Production cannot go forward without arrangements to provide investment capital. Trade cannot be conducted without stable currencies in which payments can be promised and made. Trade cannot develop unless excessive barriers in the form of tariffs, preferences, quotas, exchange controls, monopolies, and subsidies, and others,

are reduced or eliminated. It needs also agreed arrangements under which communication systems between nations and transport by air and sea can develop. And much of all this will miss its mark of satisfying human needs unless we take agreed action for the improvement of labor standards and standards of health and nutrition.

I shall not on this occasion be able to explain the work which has been done—and it is extensive—in these fields. In many of them proposals are far advanced toward the stage of discussion with Members of the Congress prior to formulation for public discussion.

I hope, however, that I have been able in some measure to bring before you the immensity of the task which lies before us all, the nature of the difficulties which are involved, and the conviction and purpose with which we are attacking them. Our foreign policy is comprehensive, is stable, and is known of all men. As the President has said, neither he nor I have made or will make any secret agreement or commitment, political or financial. The officials of the Government have not been unmindful of the responsibility resting upon them; nor have they spared either energy or such abilities as they possess in discharging that responsibility.

May I close with a word as to the responsibility which rests upon all of us. The United Nations will determine by action or lack of action whether this world will be visited by another war within the next 20 or 25 years, or whether policies of organized peace shall guide the course of the world. We are moving closer and closer to the hour of decision. Only the fullest measure of wisdom, unity, and alertness can enable us to meet that unprecedented responsibility.

All of these questions of foreign policy which, as I said earlier, is the matter of focusing and expressing your will in the world outside our borders, are difficult and often involve matters of controversy. Under our constitutional system the will of the American people in this field is not effective unless it is united will. If we are divided, we are ineffective. We are in a year of a national election in which it is easy to arouse controversy on almost any subject, whether or not the subject is an issue in the campaign. You, therefore, as well as we who are in public office, bear a great responsibility. It is the responsibility of avoiding needless controversy in the formulation of your judgments. It is the responsibility for sober and considered thought and expression. It is the responsibility for patience both with our allies and with those who must speak for you with them. Once before in our lifetime we fell into disunity and became ineffective in world affairs by reason of it. Should this happen again, it will be a tragedy to you and to your children and to the world for generations.

POLAND'S POST-WAR STATUS—ADDRESS BY SENATOR VANDENBERG

[Mr. VANDENBERG asked and obtained leave to have printed in the RECORD an address delivered by him on April 2 in Detroit, Mich., dealing with Poland's post-war status, which appears in the Appendix.]

FREEDOM OF SPEECH—ADDRESS BY SENATOR GURNEY

[Mr. GURNEY asked and obtained leave to have printed in the RECORD an address on freedom of speech delivered by him on the America's Town Meeting of the Air program in Cincinnati, Ohio, April 6, 1944, which appears in the Appendix.]

NAZI PERSECUTION OF SMALL NATIONS—ADDRESS BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD an address delivered by him over Wisconsin radio stations

on April 4, 1944, which appears in the Appendix.]

FORGOTTEN MAN—THE WHITE-COLLAR WORKER—ADDRESS BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD an address entitled "Forgotten Man—The White-Collar Worker," delivered by him December 4, 1943, which appears in the Appendix.]

ANALYSIS OF REPUBLICAN PRESIDENTIAL SITUATION

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an analysis of the Republican Presidential situation, written by Roy A. Roberts, managing editor of the Kansas City Star, which appears in the Appendix.]

FLIGHT INSTRUCTORS—EDITORIAL FROM DAVENPORT DEMOCRAT AND LEADER

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD an editorial entitled "Those Flight Instructors," published in the Davenport Democrat and Leader, of March 28, 1944, which appears in the Appendix.]

ALCOHOL AS A SUPPLEMENT TO GASOLINE

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD a news release under the heading "Farm block plans determined fight to assure alcohol important place as a supplement to gasoline," which appears in the Appendix.]

THE FARMER AND THE WAR—EXTRACTS FROM COLUMN OF W. H. McWILLIAMS

[Mr. NYE asked and obtained leave to have printed in the RECORD extracts from the column of W. H. McWilliams published in the Times-Leader of Martins Ferry, Ohio, relating to the farmer and the war, which appears in the Appendix.]

THE SIZE OF THE ARMY—EDITORIAL FROM NEW YORK NEWS

[Mr. NYE asked and obtained leave to have printed in the RECORD an editorial entitled "How Big an Army," published in the New York Daily News of March 5, 1944, which appears in the Appendix.]

THE ARABIAN OIL PROJECT—ARTICLE FROM WALL STREET JOURNAL

[Mr. NYE asked and obtained leave to have printed in the RECORD an article entitled "Strong Imperialistic Tinge Seen in United States-Saudi Arabia Oil Project," written by Felix Morley and published in the Wall Street Journal of February 25, 1944, which appears in the Appendix.]

HERBERT HOOVER'S ENDORSEMENT OF GOVERNOR DEWEY—ARTICLE BY DREW PEARSON

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an article regarding Hon. Herbert Hoover's endorsement of Gov. Thomas E. Dewey, from the Washington Merry-Go-Round, published in the Washington Post April 6, 1944, which appears in the Appendix.]

DEWEY AND INTERNATIONALISM—ARTICLE BY MARQUIS CHILDS

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an article entitled "Dewey and Internationalism," written by Marquis Childs and published in the Washington Post of April 11, 1944, which appears in the Appendix.]

MOTHER AN' ME—EDITORIAL BY MARK M. SHAW

[Mr. BUTLER asked and obtained leave to have printed in the RECORD an editorial entitled "Mother an' Me," by Mark M. Shaw, from the Greater Nebraskan, which appears in the Appendix.]

OUR ALLIES AND US—EDITORIAL FROM THE COLUMBIA CITY COMMERCIAL-MAIL

[Mr. WILLIS asked and obtained leave to have printed in the RECORD an editorial entitled "Our Allies and Us," from the Columbia City Commercial-Mail, of Columbia City, Ind., for April 10, 1944, which appears in the Appendix.]

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations and a convention, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. BANKHEAD. Mr. President, I move that the Senate take a recess until tomorrow at 12 o'clock noon, with the announcement that tomorrow a motion will be made that a recess be taken until Monday; so Senators may govern themselves accordingly.

The motion was agreed to; and (at 12 o'clock and 13 minutes p. m.) the Senate took a recess until tomorrow, Thursday, April 13, 1944, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 12, 1944:

DIPLOMATIC AND FOREIGN SERVICE

Max Waldo Bishop, of Iowa, now a Foreign Service officer of class 6 and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

John L. Bankhead, of North Carolina, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

L. Randolph Higgs, of Mississippi, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

TREASURY DEPARTMENT GENERAL COUNSEL

Joseph J. O'Connell, Jr., of New York, N. Y., to be general counsel for the Department of the Treasury, in place of Randolph E. Paul, resigned.

ASSISTANT COMMISSIONER OF INTERNAL REVENUE

George J. Schoeneman, of Newport, R. I., to be Assistant Commissioner of Internal Revenue, to fill an existing vacancy.

COLLECTOR OF INTERNAL REVENUE

Joseph P. Marcelle, of Brooklyn, N. Y., to be collector of internal revenue for the first district of New York, in place of Joseph D. Nunan, Jr., resigned.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named officers for promotion in the Regular Corps of the United States Public Health Service:

SENIOR SANITARY ENGINEER TO BE SANITARY ENGINEER DIRECTOR EFFECTIVE APRIL 2, 1944

Lawrence M. Fisher

SENIOR SURGEONS TO BE TEMPORARY MEDICAL DIRECTORS EFFECTIVE APRIL 1, 1944

James A. Crabtree
Lucius F. Badger

ASSISTANT SURGEONS TO BE TEMPORARY PASSED ASSISTANT SURGEONS EFFECTIVE APRIL 1, 1944

Lloyd F. Summers
Martin G. Van Der Schouw
Randolph P. Grimm